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23 UNITED STATES DISTRICT COURT
24 FOR THE NORTHERN DISTRICT OF CALIFORNIA
25 SAN FRANCISCO DIVISION

26 AMERICAN FEDERATION OF
27 GOVERNMENT EMPLOYEES, AFL-CIO, et
28 al.,

29 Plaintiffs,

30 v.

31 DONALD J. TRUMP, in his official capacity
32 as President of the United States, et al.,

33 Defendants.

34 Case No. 3:25-cv-03698-SI

35 **DECLARATION OF LANE GABEL**

DECLARATION OF LANE GABEL

I, Lane Gabel, declare as follows:

1. I am over 18 years of age and competent to give this declaration. This declaration is based on my personal knowledge, information, and belief.

2. I am a Weatherization Auditor and Quality Control Inspector at Tri-County Community Action Partnership, Inc. (“TCC”) in Minnesota. I have worked for TCC for about 4 years. In my role, I evaluate people’s homes for energy efficiency and inspect houses for standard health and safety measures, such as proper dryer venting and smoke and carbon monoxide detectors.

3. TCC is a nonprofit Community Action Agency (CAA), supported by state and federal grants with the goal of providing critical safety-net resources and child development education services to qualifying families in Crow Wing, Morrison, and Todd counties. TCC provides weatherization assistance and Head Start services to communities in central Minnesota. CAAs are nonprofit and public groups funded by the Community Services Block Grant (CSBG), a federal program that allocates funding to states to connect Americans to greater opportunity. There are over 1,000 CAAs throughout the country, and they carry out the Community Action Program (CAP), which was founded by the 1964 Economic Opportunity Act to fight poverty by empowering the poor as part of the War on Poverty.

4. I am the president of the Local 3628 of American Federation of State, County and Municipal Employees, AFL-CIO (“AFSCME Local 3628” or the “Union”). AFSCME Local 3628 is affiliated with AFSCME District Council 65 and AFSCME International Union. I have served as president of Local 3628 for three years. I am a voluntary dues-paying member of AFSCME.

5. AFSCME Local 3628 represents a bargaining unit of approximately 60 public servants who work for TCC in central Minnesota. These employees include Weatherization Auditors and Inspectors, Community Service Grant Specialists, Head Start Co-Teachers, and Head Start support staff. These bargaining unit members provide services directly to the low-income families throughout three counties in Minnesota.

1 6. Local 3628's mission is to advocate for and promote the interests of bargaining unit
2 members in their employment. As the exclusive bargaining representative of these workers, the
3 Union provides many services to all bargaining unit members. Core functions of the Union
4 include collective bargaining with TCC to obtain a fair and reasonable collective bargaining
5 agreement ("CBA"); filing and negotiating grievances against TCC to enforce the terms and
6 conditions of the CBA; pursuing arbitrations on behalf of workers to enforce the CBA; and
7 providing other support, guidance, and resources to bargaining unit employees.

8 7. A key function of TCC is the Weatherization Assistance Program ("WAP"), which
9 is funded in significant part by the U.S. Department of Energy ("DOE"). The WAP provides
10 weatherization improvements and upgrades for low-income households to reduce energy costs,
11 increase energy efficiency, and ensure families' health and safety in their homes.

12 8. The status of TCC's WAP has been in flux since early 2025. In early February
13 2025, funding for the WAP was paused as a result of a January 27, 2025, Executive Order freezing
14 the distribution of most federal grants. WAP funds were not again released to TCC until early
15 April 2025. As a result, many weatherization projects were put on pause. For some projects
16 already started, and partially paid for, TCC was forced to try to find alternative ways to pay for the
17 weatherization, including through private corporate donations and state grants, which were
18 originally allocated for different TCC projects, thereby diminishing the critical anti-poverty work
19 of TCC and the AFSCME members who work there.

20 9. I am aware of public press reports that state that the DOE plans to implement large
21 scale reductions in force (RIFs). For example, an AP News article from April 4 reports that 8,500
22 positions at the DOE have been deemed "nonessential" and at risk for RIFs. A true and correct
23 copy of that report, which is also available at <https://apnews.com/article/energy-federal-employees-layoffs-rif-doge-db7b6446928095c26bfe79c608e1e8e7>, is attached hereto as Exhibit
24 A. I have also seen a "Fact Sheet" about RIFs at the DOE circulated by Senators on the
25 Appropriations Committee stating that the DOE has already lost half of its WAP staff through
26 probationary firings and retirement and is anticipating future RIFs that would end the WAP
27

28

1 program at DOE entirely. A true and correct copy of that report is attached hereto as Exhibit B.
2 DOE's WAP staff are critical to overseeing the delivery of grant funds to TCC.

3 10. I am also aware of public news reports reporting RIFs at the U.S. Department of
4 Health and Human Services ("HHS"), which houses Head Start. For example, one NPR news
5 article on April 5 details a week of "massive layoffs" at HHS and ensuing chaos as some RIFs
6 were revoked. A true and correct copy of that report, which is also available at
7 <https://www.npr.org/sections/shots-health-news/2025/04/05/g-s1-58312/hhs-layoffs-rif-cdc-fda-nih>, is attached hereto as Exhibit C.

9 11. Additionally, I received an email on April 17, 2025, from the Director of TCC
10 reporting expected workforce changes at the federal WAP and Head Start programs. According to
11 this email, it is estimated that the federal WAP workforce is currently approximately 35 people.
12 As a result of RIFs, it is expected to be reduced to 9, an approximately 75% reduction. Likewise,
13 the Director referenced "consolidation and staffing reductions at the federal level" of the Head
14 Start program, which is expected to disrupt the functioning of TCC Head Start.

15 12. If the press reports are true and the DOE reduces its workforce significantly,
16 particularly in the Weatherization Assistance Program, TCC will not be able to operate its WAP at
17 the level it is now. Without an adequate number of people at the DOE WAP to process and
18 approve grants, it will be extremely challenging to get the necessary grant money to operate, and
19 layoffs of TCC WAP employees are almost certain. I expect that because of RIFs, the time for
20 approval of our grant applications will increase dramatically, as will wait times to receive
21 requested assistance. If grants are delayed, or canceled entirely, other TCC projects will be
22 impacted as remaining grant money may be funneled towards WAP projects instead of other TCC
23 programs.

24 13. Additionally, if the DOE implements large scale RIFs, TCC will not be able to
25 receive the DOE technical support and assistance it typically gets from DOE staff. TCC would
26 receive far less oversight from DOE, which previously has come to visit TCC and review the
27 WAP's work to help optimize its effectiveness and efficiency. I would also anticipate less, or no,

1 guidance from DOE in the future about effective weatherization and best practices, which we
2 frequently reference in weatherization work.

3 14. I am also concerned about TCC's ability to continue the WAP if the DOE ends the
4 federal Weatherization Assistance Program entirely. Without federal grant money, it is possible
5 TCC's WAP will no longer be financially feasible to operate at all; it is certain to have to
6 substantially reduce its size and scope, which in turn will require a reduction in TCC staff levels.

7 15. Similarly, as a result of recent HHS RIFs, and potential additional RIFs to HHS's
8 Head Start program, I expect TCC's Head Start program to be disrupted. TCC's Head Start
9 program serves preschool-age children and their families through preschool services, health and
10 dental support and education, and nutrition education. If TCC's Head Start program is unable to
11 receive the necessary federal grant money in a timely fashion, TCC may be forced to reduce the
12 number of Head Start staff. If fewer teachers, co-teachers, or support staff are available, TCC will
13 be required to reduce the number of students served. As a result, many families who would
14 otherwise be eligible for Head Start may be turned away from services. And, again, TCC staffing
15 levels will be reduced.

16 16. The impact of this will be felt most by the thousands of low-income families in
17 rural Minnesota that TCC serves. I feel strongly about the immediate and meaningful impact of
18 TCC's work—we provide important support to our community to ensure they have affordable heat
19 in the winter or childcare for their young kids. Without TCC's WAP work, many families will
20 continue to live in unsafe homes or be unable to afford their monthly utility bills. Without proper
21 funding, Head Start will have to turn children away, forcing their parents to find often expensive
22 childcare elsewhere or stay home from work. This would be a tragic loss in a rural area where
23 poverty rates are high. Minnesotans are better off for the work that TCC provides every day.

24 17. The Union's staff and activities are funded through members' voluntary dues, most
25 of which are paid through payroll deduction. If and when the Union no longer receives dues from
26 members, because they are laid off, that will make it significantly more difficult for the Union to
27 continue to function and to provide the services and protection to bargaining units identified here.
28 It will not only decrease the resources we need to provide critical representational services to our

1 members and all employees in the bargaining unit we represent but will also reduce our strength in
2 negotiations with TCC at the bargaining table because we will be smaller and more vulnerable to
3 the precarious of our employer's financial position. The Union staff and officers like myself have
4 received many calls and emails from members asking what will happen to them because of what
5 they are hearing in the news regarding federal RIFs, and we have had to divert time from CBA
6 enforcement to respond to members about this.

7 I declare under penalty of perjury under the laws of the United States that the foregoing is
8 true and correct. Executed April 28, 2025, in Little Falls, Minnesota.

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11 Lane Gabel
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Exhibit A

POLITICS

The Energy Department identifies thousands of nonessential positions at risk of DOGE cuts



BY [TARA COPP](#) AND [JENNIFER McDERMOTT](#)

Updated 12:41 PM PDT, April 4, 2025

WASHINGTON (AP) — The Energy Department has identified thousands of federal workers it deems “nonessential” and would not be protected if there is another round of large-scale firings, according to a document obtained by The Associated Press.

The jobs at risk include more than 8,500 positions across the Energy Department and the [National Nuclear Security Administration](#) — which upgrades and maintains the nation’s nuclear warheads. The department identified them as eligible to be cut to meet the goals of President Donald Trump’s executive order for mass reductions in federal employees.

It was not clear if every position identified as nonessential would be eliminated. All federal agencies had until March 13 to identify what departments and positions could be consolidated in a planning process to streamline the agencies and ready them for potential “large scale reductions in force,” Trump’s Feb. 26 order directed.

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Asked if large-scale firings are coming, the Energy Department, through spokesperson Ben Dietderich, said multiple plans are being considered and no final decisions have been made.

RELATED STORIES



Fired federal workers face choices now that a judge wants them rehired



Trump opens window for a deal with Iran but issues warning if things don't work out



Departamento de Energía de EEUU identifica miles de puestos que podrían ser eliminados por el DOGE

Sen. Patty Murray of Washington and Rep. Marcy Kaptur of Ohio said gutting the department would raise energy costs for families and businesses, slow innovation and put national and global security at risk.

"It is extremely concerning that the department is reportedly considering firing the very experts tasked with maintaining a safe, secure and reliable nuclear weapons stockpile," the two Democrats said in a joint statement to The Associated Press. "These dangerous cuts should not transpire. We call for this foolishness to be set aside."

There are about 17,500 federal positions within the department, which has a wide range of responsibilities beyond those for nuclear weapons. It also operates hydroelectric dams, cleans up contaminated radioactive

Energy Department document lists thousands of nonessential positions at risk of being cut. AP News waste sites, maintains and modernizes the power grid and provides grants for things like home weatherization. Only 9,004 of those positions were deemed essential, according to the document.

The majority of the employees within the National Nuclear Security Administration were deemed essential, according to the document. The majority of the national labs operated by the Energy Department are run by contractors and also would not be affected.

In February, the Trump administration ended up scrambling to reinstate hundreds of National Nuclear Security Administration employees who were laid off by [Elon Musk's Department of Government Efficiency](#) after it became apparent many were directly supporting nuclear weapons management.

About 3,000 employees at the Energy Department work directly for the nuclear security agency, which manages national security complexes nationwide where nuclear weapons material and warhead components are stored and refurbished to maintain the nuclear weapons stockpile.

According to the document, about 500 positions at the nuclear security agency and about 8,000 jobs across the Energy Department were deemed nonessential. Some of those have already been reduced through deferred resignations.

Energy Secretary Chris Wright has said the department grew too big during the Biden administration in the last four years and now he's right-sizing it. He acknowledged publicly that it was a mistake to lay off the nuclear security agency workers in February.

Unlike some of the other federal agencies where cuts have left a deep impact on employment in the national capital region, much of the Energy Department's workforce is scattered throughout the country in different energy sectors.

An earlier round targeted probationary employees but was thrown out by a federal judge.

TARA COPP

Copp covers the Pentagon and national security for the Associated Press. She has reported from Afghanistan, Iraq, throughout the Middle East, Europe and Asia.

**JENNIFER McDERMOTT**

McDermott is a reporter on the Associated Press Climate and Environment team. She focuses on the transition to clean energy.



Exhibit B

Major Staffing Cuts Across DOE Loom

DOGE is reportedly proposing staffing cuts of up to 50% of the workforce at the Department of Energy (DOE), with new reductions in force (RIFs) hitting key priorities such as clean energy, grid resilience, and state and community programs the hardest while even targeting national security programs.

The staffing cuts the [Department is reportedly contemplating](#) break down as follows:

1. 54% cut (1,800+ positions) to science and innovation programs
2. 61% cut (990+ positions) to energy infrastructure and deployment programs
3. 71% cut (3,000+ positions) to the Deputy Secretary's Office, environmental management programs, and other policy programs
4. 18% cut (540+ positions) to the Nuclear National Security Administration (NNSA)
5. 10% cut (520+ positions) to the Power Marketing Administrations (PMAs)

1. Science and Innovation Programs:

DOGE is targeting clean energy programs in the science and innovation directorate at DOE. Last week, [it was revealed](#) that >\$800M in already announced green technology grants from the [Office of Energy Efficiency and Renewable Energy](#) (EERE) were being circulated on an internal hit list. On top of killing these grants, slashing staffing at EERE and across other science and innovation programs will drastically limit DOE's ability to propel clean energy research that drives down energy costs.

2. Energy Infrastructure and Deployment Programs:

The [Office of Clean Energy Demonstrations](#) (OCED) deploys clean energy technologies, such as long duration storage, carbon capture and storage, and direct air capture, in large demonstration projects across the US. OCED's portfolio also includes programs to provide rural and remote communities with resources to improve the affordability and reliability of their energy systems. DOGE is reportedly proposing killing OCED just like it killed USAID and the Department of Education. We also suspect the [Grid Deployment Office](#) (GDO), which deploys essential programs for hardening the US grid to natural disasters, and the [State and Community Energy Programs Office](#) (SCEP), which helps communities with efforts like the Home Energy Rebate Programs and the Weatherization Assistance Program that save families money on their energy bills may be at risk.

The Department runs several critical programs aimed at lowering energy bills and improving household energy efficiency. Firings at Health and Human Services have already impacted essential energy programs like the Low-Income Home Energy Assistance Program (LIHEAP), [which was shuttered last week](#). The Department has already lost half of its staff running the [Weatherization Assistance Program \(WAP\)](#) through probationary firings and retirements. The anticipated cuts could end these programs at DOE, potentially cutting off energy assistance to low-income housing across the US without staff to run WAP. WAP saves households on average \$372 or more every year.

3. Environmental Management Programs:

One of DOE's major responsibilities is to clean up radioactive waste from missions that span the Manhattan Project to the Cold War. These responsibilities fall to [Office of Environmental Management](#) (EM). Slashing staff at EM would severely impact these efforts, leaving radioactive waste in the earth and in our groundwater where they pose a severe threat to human health and the environment.

4. Nuclear National Security Administration:

The [Nuclear National Security Administration](#) (NNSA) is tasked with maintaining "a safe, secure, and reliable nuclear stockpile." As such, NNSA is essential to our nation's security, and cuts to NNSA jeopardize our collective safety. In 2024, GAO found that NNSA remained about 200 below the staffing levels identified in a 2020 staffing needs study. Additional cuts will undoubtedly continue to harm DOE's ability to manage contractors, leaving the agency increasingly

vulnerable to waste, fraud, abuse, and mismanagement. The most recent CR included a steep cut to the Defense Nuclear Nonproliferation programs at NNSA, programs that prevent terrorists from acquiring nuclear and radioactive material and detect and trafficking of these materials; programs that remove radioactive materials at risk of misuse or causing a catastrophic accident; and programs that detect and monitor foreign nuclear fuel cycle and weapons development activities, nuclear material movement or diversion, and nuclear explosions. If Republicans continue their targeting of DNN with RIFs, it will significantly impact our ability to ensure global nuclear security.

5. Power Marketing Administrations:

The [Power Marketing Administrations](#) “operate electric systems and sell the electrical output of federally owned and operated hydroelectric dams in 34 states.” PMAs supply power to 60 million Americans, many of whom are in rural areas that would otherwise be underserviced. They are also responsible for ensuring grid stability in the regions where they operate. Staffing cuts could limit PMAs’ ability to perform real time balancing of electricity supply and demand essential for grid health. It could also cause unexpected increases in energy costs for American households.

Exhibit C

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Shots

SHOTS - HEALTH NEWS

'Your RIF notice is not cancelled.' Inside a chaotic week of massive layoffs at HHS

APRIL 5, 2025 · 5:00 AM ET

By Rob Stein, Yuki Noguchi, Sydney Lupkin, Chiara Eisner, Selena Simmons-Duffin, Carmel Wroth



A worker wheels out the belongings of a fellow employee who was dismissed, outside of the Mary E. Switzer Federal Office Building, which houses HHS offices in Washington, D.C., on Tuesday.

Al Drago/Bloomberg/Getty Images

Chaos and confusion dominated the restructuring affecting thousands of workers at the U.S. Department of Health and Human Services this week.

Some people who were fired are being unfired, at least temporarily. Some managers don't even know who still works for them. With human resources teams gutted, answers are extremely hard to come by for those sent complex reduction in force, "RIF" messages. This is according to documents reviewed by NPR reporters and interviews with dozens of staff, many of whom did not share their names for fear of retaliation.

Firings began in the pre-dawn hours of April 1. Many workers only found out they were terminated when they tried to enter their office buildings and their security badges didn't work.

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SHOTS - HEALTH NEWS

HHS layoffs hit Meals on Wheels and other services for seniors and disabled

The confusion escalated through the week. Health Secretary Robert F. Kennedy Jr. admitted about a fifth of the cuts were "mistakes," telling reporters on Thursday: "We're reinstating them. And that was always the plan," he said. "We talked about this from the beginning, [which] is we're going to do 80% cuts, but 20% of those are going to have to be reinstalled, because we'll make mistakes."

Among those "mistakes," Kennedy said, was the elimination of a division of CDC that, among other things, helps public health departments around the country address lead contamination in water. A massive testing effort was about to begin in Milwaukee's school system when CDC sent its notices.

By Friday afternoon, a day after Kennedy said the lead surveillance program was reinstated, officials in that division said they had heard nothing about resumption of the work, or plans to reinstate their jobs.

In a statement, HHS said the restructuring "is about realigning HHS with its core mission: to stop the chronic disease epidemic and Make America Healthy Again." It said roughly 10,000 employees were cut this week and the cuts focused on "redundant or unnecessary administrative positions."



SHOTS - HEALTH NEWS

After promising transparency, RFK guts public records teams at HHS

RIF'ed and then unRIF'ed?

At the National Institutes of Health, six workers in the public records office who had been terminated with their jobs set to end in 60 days, were then ordered to

return to work. NPR obtained the email they received, calling them back to work — though not restoring their jobs. It reads in part:

NIH leadership has directed that you return to work and that your logical and physical access be restored immediately, if it was terminated. Your RIF notice is not cancelled. NIH leadership is actively working on these issues. We do not have additional information and neither does [Office of Human Resources] at this time...

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At the Food and Drug Administration, the travel coordination staff are in a similar situation. The team was laid off and then called back in, according to one staffer. But their jobs are still eliminated — they'll be gone again in June.

Some staff have had their firings fully rescinded. For instance, 29 of 82 workers cut at the National Institute of Neurological Disorders and Stroke have been invited to return to work, including 11 senior scientists, according to an individual familiar with the situation who was not authorized to speak publicly.

HHS did not respond to a request for comment about the number of personnel whose firings had been reversed.



SHOTS - HEALTH NEWS

On top of layoffs, HHS ordered to cut 35% of spending on contracts

You may be fired, exit ASAP

An HHS worker at a regional office believed that she had avoided the layoffs and was able to use her badge and begin work in the office as normal on Tuesday.

After a few hours, she received an email, shared with NPR, saying that even though she hadn't received a RIF email yet, "it is our understanding [...] that you may be among the impacted employees." She was told to take her laptop and personal items and "exit the building as soon as possible."

Days later, her work email access stopped working, but she still hadn't received any official notice that she was being fired.

A former head of a division at CDC, who believed all or nearly all his staff had also been placed on administrative leave pending termination, was confused about who among his colleagues remained at the agency, or what would become of the programs he and his staff ran.

Another manager and a staffer at one unit of the CDC's National Institute of Occupational Safety and Health said a handful of staffers appeared to still have jobs. But with the vast majority of their colleagues missing, they can't carry out their work anyway. They asked that their names be withheld for fear of retaliation.

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Vanessa Michener, a health communication specialist at the CDC who worked on HIV outreach, was notified that her position was among those being cut on Tuesday. She said she's stunned by the chaotic way the layoffs have unfolded.

"Haphazardly doesn't even begin to describe it," she said. "Instead of letting people be involved in the decision making, they just randomly wiped out entire programs."

"I don't understand how any average American that is seeing this unfold could see how this could possibly make sense," she said. "It is an ungodly amount of additional waste for no reason."

Crowdsourcing crucial information

The government is not providing precise details about the positions and functions that have been cut.

Instead, some workers have worked on crowdsourcing lists of those cut.

The picture they paint is stark. For instance, at the CDC, entire divisions were hit hard. Outside of the human resources and IT functions, some of the hardest hit appear to include the National Institute for Occupational Safety and Health, and divisions that monitor birth defects, zoonotic and infectious disease, and chronic disease — one of the areas Kennedy said is a priority for the country.

With human resources teams out in many divisions, HHS staff are also crowdsourcing advice. One document obtained by NPR advises employees not to "preemptively resign."

"If you are laid off in a RIF you have rights, possible severance pay, and the right to receive unemployment benefits from your state agency," it says. The document also advises employees not to blame themselves — or to harm themselves — and it links to the 988 Suicide and Crisis Lifeline.

On Thursday, HHS announced all contract spending must be cut by 35%. This move adds to the confusion and difficulty of those staff who remain in place to do their jobs, one CDC staffer told NPR. "Folks at CDC who are our contracting officers have been destroyed," which means even trying to cancel contracts will be "a tall order" for the remaining staff.

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"We are already just picking up the pieces," the worker said. "It will take weeks at a minimum but likely one to two months to get in a place where we are functioning somewhat OK again."



LAW

Justice Department lawyers struggle to defend a mountain of Trump executive orders

Fears for the future

Chanapa Tantibanchachai was among 18 people on the FDA's press team who were fired Tuesday. Communications staff at other health agencies within HHS were also cut.

"It does not fit into 'radical transparency,'" Tantibanchachai told NPR, referring to Kennedy's promise for how he would run the HHS. "How can there be radical transparency when there are no communicators to do the work of providing that transparency?"

Press officers at FDA worked on designated subject matters, like food safety, vaccines, and oncology drugs, setting up interviews with reporters and subject

matter experts, and updating the public on their topics.

"None of that is going to exist now," she said, adding she didn't know what that would mean for the future. "It's a bad day for journalists that relied on us. It's a bad day for the public that relies on the news stories that you all are putting out based on the information you would get from us."

At NIH where about 1,300 employees were laid off, there's widespread anger and despair. Most of those cut appear to have been involved in support jobs, communications, IT, human resources, those who order supplies and specialists who handle contracts and grants. These jobs are crucial for enabling scientists to search for new cures for everything from asthma, allergies and Alzheimer's to AIDS, cancer and heart disease.

"I don't even know where to start with the devastation that is being wrought in infectious disease in particular," said an NIH official who did not want to be identified because of fears of retribution.

"It is going to take us more than a generation to recover, not just with the science but with the cuts to training grants and supporting mentees. And all the while, China is continuing to pour investments into these very areas ... and we will quickly be eclipsed," the official said via email.

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Have information you want to share about the layoffs and restructuring across federal health agencies? Reach out to these authors via encrypted communications: Selena Simmons-Duffin @selena.02, Sydney Lupkin @sydneylupkin.36, and Rob Stein @robstein.22.

federal layoffs hhs